

D.T.E. 02-15

February 20, 2002

Investigation by the Department of Telecommunications and Energy on its own motion, pursuant to G.L. c. 159, ' ' 12 and 16, into the regulations, practices, equipment, appliances, and service of Network Plus, Inc.

VOTE AND ORDER TO OPEN INVESTIGATION

VOTE AND ORDER TO OPEN INVESTIGATION

I. INTRODUCTION

Network Plus, Inc. (ANetwork Plus®), a telecommunications carrier serving primarily business customers in Massachusetts, filed for Chapter 11 bankruptcy protection on February 4, 2002. Network Plus continues to provide telecommunications services to its customers while in bankruptcy.

The Massachusetts Department of Telecommunications and Energy (ADepartment®) is concerned that some or all of Network Plus= customers may lose service without adequate notice as a result of the Network Plus= bankruptcy. Network Plus serves approximately 11,500 customers in Massachusetts, via either resale, UNE-P, or Network Plus= own facilities (Aon-net®). Network Plus= on-net customers include financial exchanges; numerous nursing homes, rehabilitation facilities, ambulance companies, and medical centers, including a major teaching hospital; Massachusetts state agencies and court systems; municipal governments; and the Consulates General of foreign nations. Interruption in service is always of serious concern to the businesses affected; but the loss of telecommunications service to Network Plus= 11,500 businesses customers in Massachusetts may also pose acute problems for those members of the public who require continued access to Network Plus= customers for their own convenience, safety, and welfare.

II. VOTE TO OPEN INVESTIGATION

Consistent with the above, the Department determines to begin a review of Network Plus= activities regarding its bankruptcy. Accordingly, on its own motion, the Department hereby votes to open its investigation. The investigation is docketed as D.T.E. 02-15. In this investigation,

the Department will determine whether the regulations, practices, equipment, appliances, and service of Network Plus are unjust, unreasonable, unsafe, improper, or inadequate. See G.L. c. 159, ' 16. The Department will determine the just, reasonable, safe, adequate, and proper regulations and practices to be observed, and will fix and prescribe the same by Order. Before making such an Order, the Department will consider, but not limit itself to, the following factors: the relative importance and necessity of the changes ordered; the financial ability of Network Plus to comply with the requirements of the Order; the effect of the carrier's compliance with the Order on its financial ability to make such other changes, if any, as may be deemed by the Department of equal or greater importance and necessity in the performance of the service which the carrier has professed to render to the public. See id.

We begin our investigation by scheduling an emergency investigatory hearing to take place at the Department offices on Monday, February 25, 2002, at which time representatives of Network Plus are directed to appear and to assist the Department in its investigation. At 1:00 p.m., immediately prior to the investigatory hearing, the Department will convene a public hearing and procedural conference to discuss orderly conduct of the investigation. Because customers of a carrier in bankruptcy may face an abrupt loss of service, the Department intends to conduct this investigation in as expeditious a manner as possible while still adhering to the requirements of due process. The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Petitions to intervene in this docket must be filed with the Secretary of the Department by 1:00 p.m. on Monday, February 25, 2002. The Department intends for this proceeding to be conducted as an adjudicatory proceeding, as defined in G.L. c. 30A, ' 1(1).

III. ORDER

Accordingly, the Department

VOTES: To open an investigation into Network Plus= regulations, practices, equipment, appliances, and services, as they relate to its bankruptcy filing, and it is

ORDERED: That a public hearing and procedural conference will be held at the offices of the Department on Monday, February 25, 2002, at 1:00 p.m.; and it is

FURTHER ORDERED: That an investigatory hearing shall immediately follow the public hearing and procedural conference; and it is

FURTHER ORDERED: That petitions to intervene in this investigation shall be filed with the Secretary of the Department by 1:00 p.m. on Monday, February 25, 2002; and it is

FURTHER ORDERED: That within 48 hours of the date of this Order, the Secretary of

the Department shall publish the accompanying legal notice.

By Order of the Department

James Connelly, Chairman

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Deirdre K. Manning, Commissioner